

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MIDDLE TENNESSEE)
OCCUPATIONAL AND)
ENVIRONMENTAL MEDICINE, INC.)
Plaintiff,)
v.) Case No. 3-05-0218
FIRST HEALTH GROUP CORP.) Judge Echols
Defendant.)

ORDER

For the reasons stated in the Memorandum entered contemporaneously herewith, the Court rules as follows:

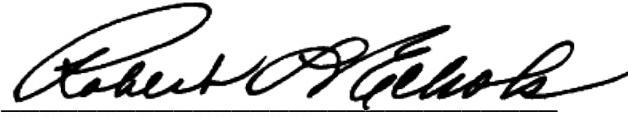
(1) Defendant First Health Group Corp.'s Renewed Motion to Dismiss (Docket Entry No. 14) is hereby GRANTED IN PART AND DENIED IN PART;

(2) Plaintiff's claims for conversion under Count One; for violation of the Tennessee Consumer Protection Act under Count Three; and for unjust enrichment under Count Four of the Amended Complaint (Docket Entry No. 12) are hereby DISMISSED WITH PREJUDICE;

(3) Defendant's Renewed Motion to Dismiss Plaintiff's request for a Declaratory Judgment as set forth in Count Two of the Amended Complaint is DENIED; and

(4) This case is referred to the Magistrate Judge for further pretrial management in accordance with Local Rule 11.

IT IS SO ORDERED.



Robert L. Echols
ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE